

Delivering our Vision for Scottish Agriculture.

Proposals for a new Agriculture Bill

Plain English Summary Guide*

*This is a Plain English Summary Guide and readers should refer to the full consultation document for further context and understanding surrounding proposals.

Ministerial Foreword



The Scottish Government is committed to realising our Vision for Agriculture and transforming how we support farming and food production in Scotland to become a global leader in sustainable and regenerative agriculture.

I would like to thank the Agricultural Reform Implementation Oversight Board (ARIOB) in supporting and informing the development of this consultation on the proposals for a new Agriculture Bill. Since our first meeting the ARIOB has proved to be invaluable in informing our clear commitment to support farmers and crofters to produce our food more sustainably while ensuring that agriculture plays its part in cutting emissions, mitigating climate change and restoring and enhancing nature.

Recent years have seen a series of global shocks that have had, and are continuing to have, an impact on global food security. These include EU-exit impacts, the COVID-19 pandemic and, most recently, the illegal invasion of Ukraine which is having an undeniable impact on global agriculture and upon all aspects of our domestic food and drink supply chain. This has highlighted the requirement for the new Agriculture Bill to be adaptive in supporting farmers, crofter and land

managers in the near, medium and long term future and the proposals outlined below reflect this.

While we deal with the short-term challenges, we need to keep an eye to the long-term and the action needed now to ensure we have a healthy environment and thriving communities for years to come. We are committed to tackling the climate and biodiversity crises and reaching Net Zero by 2045. Our agricultural sector has an indispensable role to play as we address these challenges and we will continue to support these efforts.

Scotland's farmers, crofters and land-managers are vital to our ambition to make our nation fairer and greener. We should not shy away from being clear that we are on a journey of significant transformation. I urge everyone to take the opportunity to share your views and engage with this process, and please encourage everyone you know to take part as well. I know many of you will have contributed to the Agricultural transition consultation we ran previously, and this consultation builds on those responses. Your responses to this consultation will give us tremendous insight into how best to realise our Vision for Agriculture in a way that works for our rural communities.

Mairi Gougeon

Cabinet Secretary for Rural Affairs and Islands

Agricultural Bill Consultation

What is a consultation?

The Scottish Government must ask people for their views before important changes are made. This is called a consultation. The Scottish Government wants to know what you think about changes to the law relating to Agriculture and land use.

The responses to this consultation should be provided by **21 November 2022**.

What is this consultation about?

This consultation is about proposals for new laws which aim to help to deliver the Scottish Government's Vision for Agriculture which was published in March 2022.

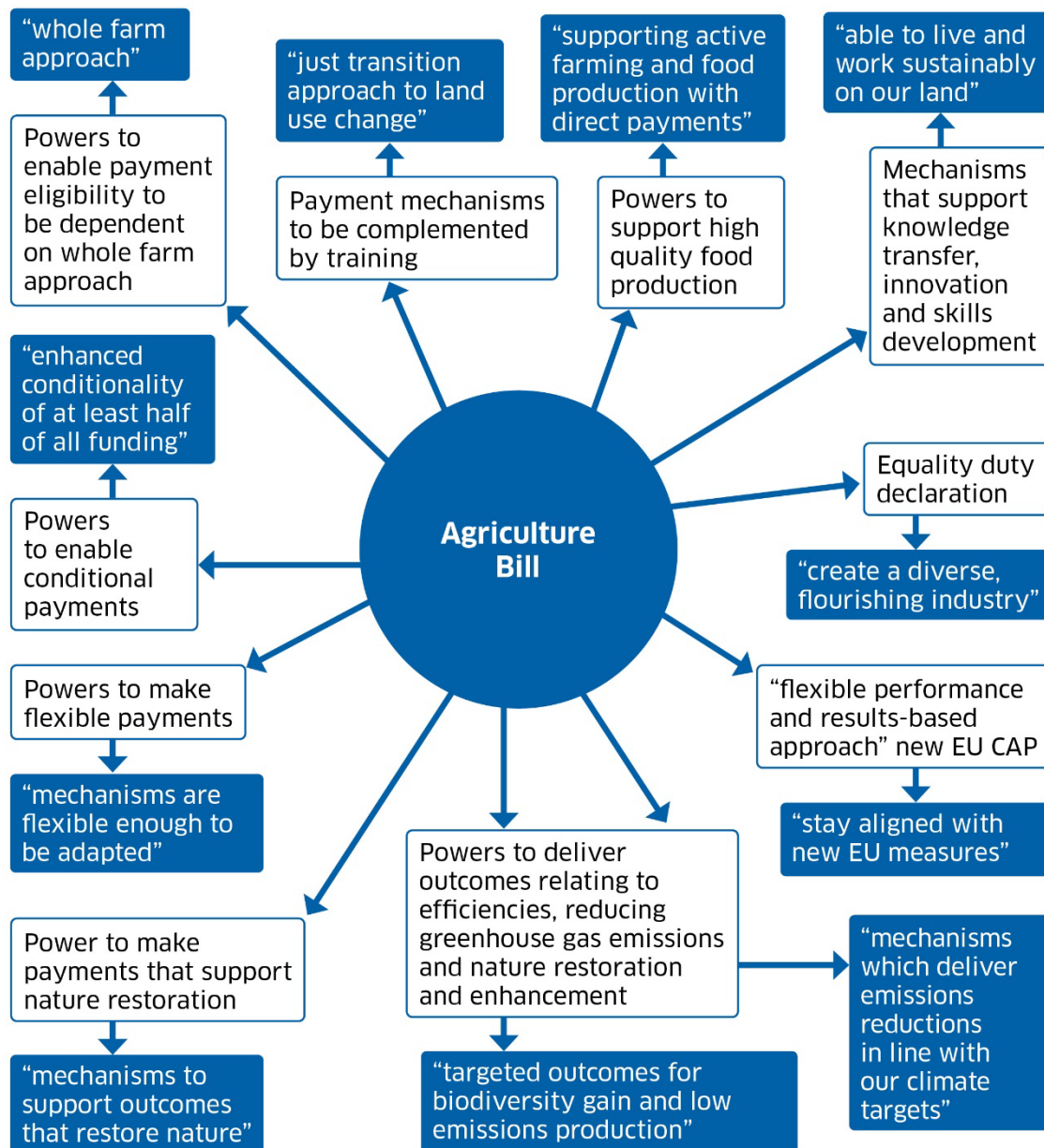
Agriculture is important. Scotland's farmers, crofters and land-managers are vital to our ambition to make our nation fairer and greener.

These new laws are needed to give Scottish Ministers the legal ability, also known as powers, to make sure that Scottish agriculture is supported in the near, medium, and long term, after leaving the European Union.

We are committed to supporting farming and food production in Scotland to be a leader in sustainable and regenerative agriculture.

We want to realise our Vision for Agriculture and your views on this consultation will help us do this in a way that works for our rural communities.

Figure 1: Consultation Proposals Linked to the Scottish Government’s Vision for Agriculture.



- 11 Vision values and principles
- Bill Powers and provisions

Future Payment Framework

This framework must deliver

- high quality food production,
- climate mitigation and adaptation,
- nature protection and restoration, and
- wider rural development

We want to work with farmers and crofters to meet more of our food needs sustainably and to farm and croft with nature. This chapter outlines our proposals support framework.

We propose:

Tier 1

We want to support farmers and crofters engaged in food production and land management with base level direct payments that are conditional. Additional essential standards could be required to ensure appropriate activity, climate, biodiversity and business efficiency outcomes.

The Whole Farm Plan is part of the eligibility criteria to help all businesses meet good practice and essential standards to ensure climate, biodiversity, and business efficiency outcomes.

Tier 2

We want to support producers in being more efficient, reduce greenhouse gas emissions, help nature, and improve business resilience with enhanced level direct payments. This funding would aim

to improve efficiency, reduce greenhouse gas emissions and help restore and improve nature.

Tier 3

We want to support individuals, co-operatives, or groups to learn new skills required to manage land sustainably. For instance, this could be targeted support for particular species or habitats, support conversion to alternative forms of agriculture such as organic production and encourage innovation.

Tier 4

We want to compliment the support we are providing elsewhere with access to continuous professional development (CPD), provide land managers with advice; funding for tree planting and looking after woodland; improve the food and drink supply chain; peatland restoration and management; grants for farmers and crofters to invest in equipment for reducing emissions; support for farming on poorer quality land; and could specific funding for beef and sheep farmers.

Adaptable

We want to change and improve this framework over time depending on things we learn in the future such as new best practice, improvements in technology, evidence on climate impacts and how well the industry is performing against targets so Scotland's farmers, crofters and land manager continue to be supported.

Exceptional conditions

We want to support the agricultural industry when there are exceptional or unforeseen conditions affecting agriculture production or distribution, through crisis payment powers.

Figure 2: Vision of Agriculture Support Package Beyond 2025

Vision of Agriculture Support Package Beyond 2025

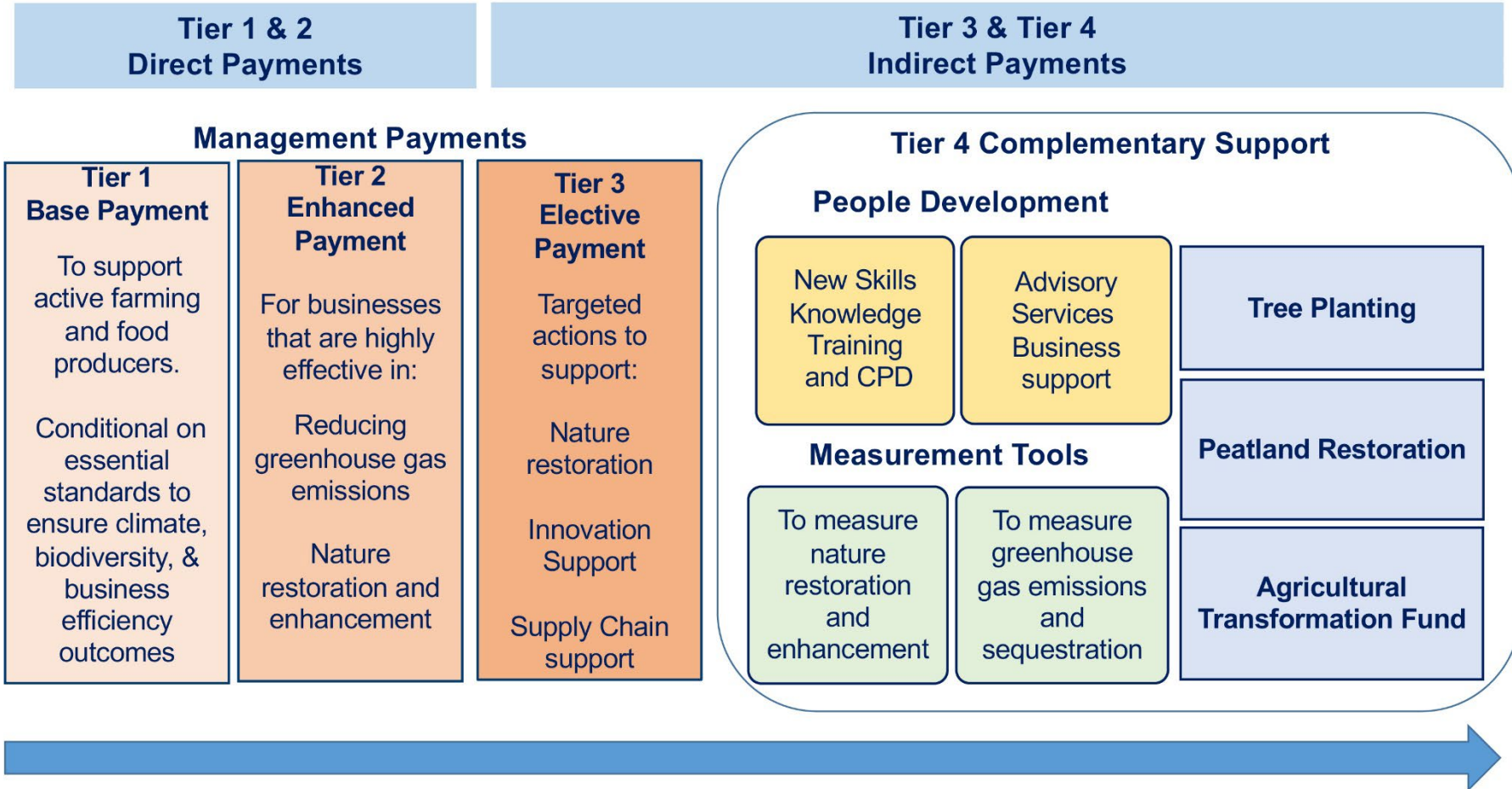
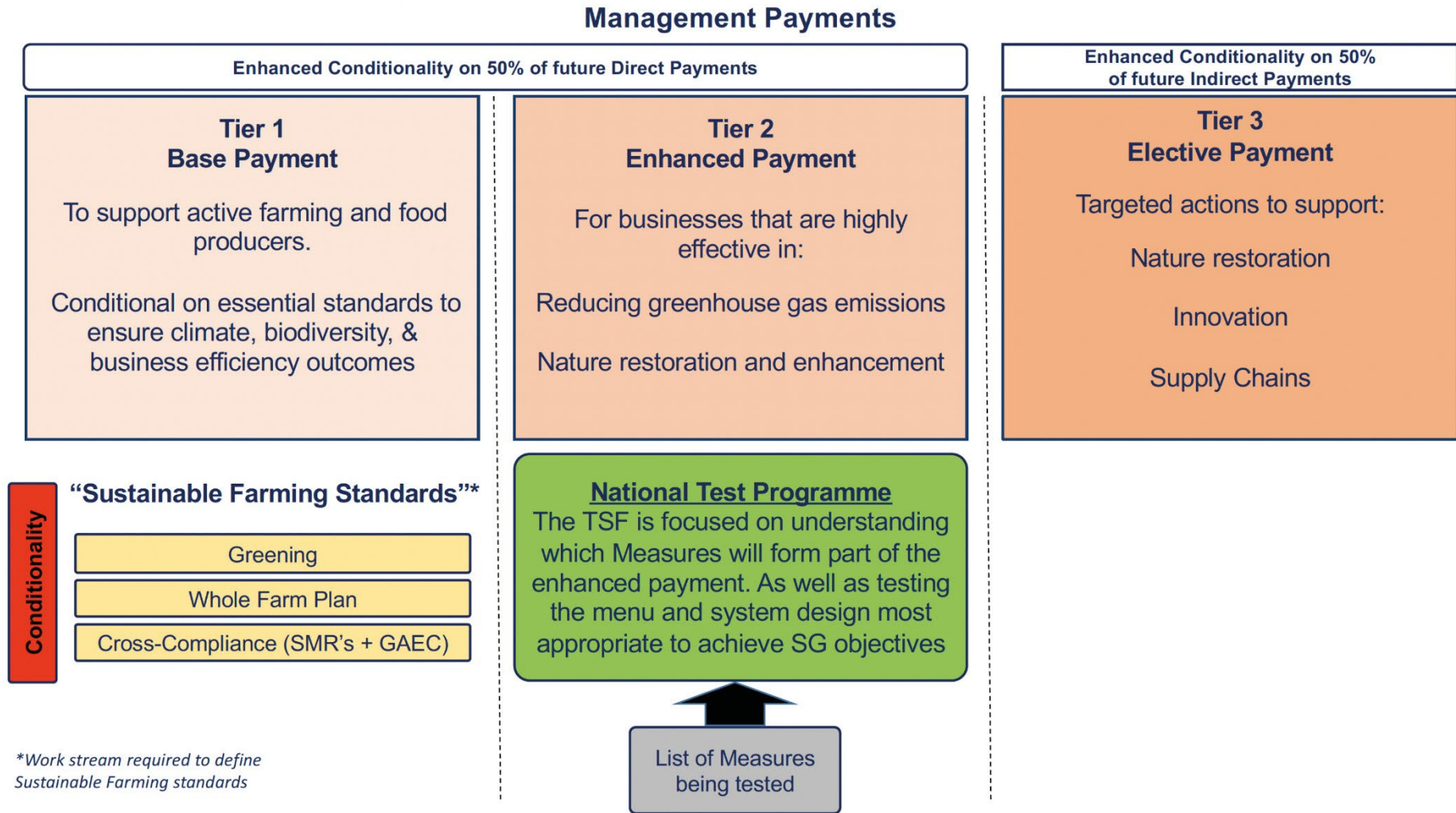


Figure 3: Management Payments and Conditionality



Climate Change Adaptation and Mitigation

On climate change mitigation, which is about how businesses reduce greenhouse gas emissions, farming, crofting and land management will need to reduce emissions and help store carbon, such as by planting some trees on farms.

On climate change adaptation, which is about how business and land managers prepare for a warming climate and more frequent extreme weather, we need to help land managers be ready for events such as storms, flooding and droughts.

We propose:

Powers to allow future payments and advice to farmers, crofters and land managers to support delivery of national targets to reduce emissions and prepare for a changing climate.

Powers to allow payments to be made that will require farmers, crofters and land managers to take actions to reduce emissions and prepare for a changing climate, along with grants or payments for specific investments or actions to help the climate.

Powers to allow payments to be made that support farmers and crofters to do a range of activities on their land such as for looking after peatland and woodland as they are good for nature and can help businesses too.

Nature Protection and Restoration

Farmers, crofters and land managers look after our countryside. They have an important role in helping nature by looking after our land, water and farm animals.

We propose:

Protect and restore biodiversity and wildlife, help us have clean air and water and healthy soils. They can also help flood risk management.

Allow payments to be made that will require farmers, crofters and land managers to take actions to improve nature along with grants or payments for specific investments or actions to help nature.

Support groups of land managers to support nature across larger areas of the countryside.

High Quality Food Production

Food and drink hold an important place in the culture and economy of Scotland. Food security is a priority for the Scottish Government and an important element of the Agriculture Bill.

We propose:

Giving powers to make changes to rules related to food – allow Scottish Ministers to readily amend retained EU law and related legislation on common market organisation in the area of food and drink.

Giving new powers to support the agri-food sector in connection with: Agri-food sustainability; Agri-food efficiency; Agri-food co-operation; Agri-food industry development; Agri-food education; Agri-food processing; and Agri-food marketing.

Power to declare when there are exceptional or unforeseen conditions adversely affecting food production or distribution, and the ability to provide financial assistance, if necessary, to the agri-food sector and related bodies whose incomes are being, or are likely to be, adversely affected by the exceptional or unforeseen conditions described in the declaration.

Wider Rural Development

The Scottish Government is committed to sustaining and developing resilient and thriving rural and island communities and ensuring that local voices shape and drive community development.

We propose:

To provide the support to land-managers and communities who are undertaking and supporting socio economic activity related to land management including but not limited to agriculture. Using the Bill powers to remove barriers to support wider Rural Development so that public money is benefiting all members of society.

Power to support:

- rural development and the rural economy generally
- Community led-local development
- Collaboration and innovation
- Influence policy development
- Public access and understanding land use

Animal Health and Welfare

Scotland has a strong tradition of high value, high health and welfare status livestock.

We propose:

Powers to establish standards for animal health, welfare and biosecurity as a condition for receiving payments.

Powers to make payments to support improvements in animal health, welfare and biosecurity beyond legal minimum standards.

Powers to collect and share livestock health, welfare and biosecurity data.

Plant Genetic Resources and Plant Health

Plants provide huge value to the economy and society. Plant pests and diseases threaten that value. Dealing with outbreaks can be costly to businesses, society and government.

We propose:

Power to provide support for the conservation of Plant Genetic Resources, including plants developed and grown for agricultural, horticultural or forestry purposes and their wild relatives.

Power to provide support to protect and improve plant health – for example, support for measures to control the spread of plant pests and diseases or to increase resilience to outbreaks.

Skills, Knowledge Transfer and Innovation

Knowledge transfer and innovation are critical components in addressing skills gaps in the agricultural sector and delivering innovation through on-the-ground improvements in agricultural competitiveness, resource efficiency, environmental performance and sustainability.

We propose:

Continued support for knowledge transfer, innovation and skills development within the agricultural, crofting and land management sectors and that future support mechanisms are designed in such a way that they meet emergent needs and remain flexible/adaptable to future pressures for change.

Power to establish a national reserve, and regional reserves if/when required, to ensure the equal treatment of farmers and to avoid distortions of the market and of competition.

Administration, Control, and Transparency of Payment Framework Data

Under the EU CAP, each Member State is responsible for the control and administration of the CAP in their territory. The system which manages this responsibility is known as an Integrated Administration and Control System (IACS).

We propose:

Power to set up an Integrated Administration and control System (IACS) to improve the effectiveness and monitoring of support payments.

Power to collect information for the purposes of carrying out management, control, audit and monitoring and evaluation obligations and for statistical purposes to help better inform future policy.

Power to enable the publication of details pertaining to recipients who receive payments including under the future payment model (outlined above) and set a level above which payment details will be published.

Power to amend retained EU law for CAP legacy schemes as needed to ensure their continued effective operation and regulation until they expire and also to ensure Scottish Ministers have flexibility to better respond to current, post EU exit, circumstances.

Modernisation of Agricultural Tenancies

Scottish agriculture is made up of different types of people who farm and croft and just over 20% of agricultural land is rented to someone else in a legal paper called a lease. These are agricultural tenancies and the people who have them are called tenant farmers. We want to make sure agricultural tenancies and the law helps tenant farmers have the same treatment and chances as other people who farm and croft.

We propose:

Diversification – non farming things a tenant farmer can do

We think there should be law that helps Scottish Ministers to decide what different kinds of non-farming things a tenant farmer should be able to do on their tenant farm. This will let tenant farmers help Scotland to meet our biodiversity, climate change mitigation needs.

Waygo – and Schedule 5 of the Agricultural Holdings (Scotland) Act 1991

It is important, to be fair and give tenant farmers chances like other people in Scottish agriculture. This will help tenant farmers to support our biodiversity and do things to help manage climate change. The Scottish Government want to be able to change Schedule 5 of the Agricultural Holdings (Scotland) Act 1991 to let different kinds activities to be added to Schedule 5. This would mean that when a tenant farmer stopped their tenancy, the new activities would also be thought about

when the tenancy was ended. When this kind of tenancy ends this process is called 'waygo'. This is when the tenant farmer and their landlord agree how much money each person should get from the other one and what other things each person needs to do.

To help tenant farmers end their tenancy and start waygo the Scottish Government want to make waygo fairer. We want to change the law so there is a set length of time that a tenant farmer and their landlord can take finish the waygo process. Changing the law like this is fairer, it will help tenant farmers know how much money they owe their landlord and how much money their landlord owes them by a certain date.

Amendment to rules of good husbandry and good estate management

We want to change the law on the rules of good husbandry and good estate management. This will help tenant farmers and their landlords to be able to do more activities on the land they look after so they can help Scotland meet future world challenges like food production, biodiversity, and climate change.

Rent Reviews

We want to change the law and get rid of the rent sections in the Land Reform (Scotland) Act 2016 and make a new law that sets out what rent should be paid by a tenant farmer which will be different to the way it works just now.

This will include thinking about 3 main things and other things that are important for each lease:

- Considering other tenant farmers rents if they have secure or fixed time length tenancies;
- Valuing the possible money to be made farming by that tenant farmer using a farm budget; and
- Thinking about the future economic outlook for the next 3 years.

Resumption

We want you to think about whether the money that should be paid to a tenant farmer by their landlord for a disturbance should be changed.

This would let us make a new law that sets out a new way of working out how much money a tenant farmer is due from their landlord when the landlord takes away the land from the tenant farmer under a process called 'Resumption'.

Scottish Agricultural Wages

We are committed to making Fair Work practices the norm in Scottish workplaces and in doing so supporting the vision for Scotland becoming a Fair Work Nation by 2025.

Fair work is work that offers all individuals

- an effective voice to have a say at work,
- opportunity allowing people to access work and employment,
- security of income,
- fulfilment from positive and supportive workplace relationships that promote a sense of belonging and
- respect

We propose:

We propose to ensure that Fair Work practices, including the real Living Wage, are applied to all Scottish agricultural workers. As the Scottish Agricultural Wages Board (SAWB) currently set the minimum agricultural wage for the industry, we want you to consider if the SAWB should set the minimum Agricultural Wage to be at least the real Living Wage.

How to respond

Please respond to this consultation using Scottish Government's consultation hub, Citizen Space [Scottish Government - Citizen Space \(consult.gov.scot\)](https://consult.gov.scot) . Access and respond to this consultation online at <https://consult.gov.scot/agriculture-and-ruraleconomy/proposals-for-a-new-agriculture-bill>. Please ensure that consultation responses are submitted before the closing date of 21 November 2022.

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